

**IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF TENNESSEE
NASHVILLE DIVISION**

**DR. BART ADAMS, JR, and
JOSEPHINE ADAMS, individually
as parents and next of kin of
BRIAN ADAMS, deceased; and
DR. BART ADAMS, JR. as the
Personal Representative of the
Estate of Brian Adams,**

Plaintiffs,

vs.

THE VANDERBILT UNIVERSITY

Defendant.

Case No. 3:23-cv-00001

District Judge: Eli J. Richardson

Magistrate Judge: Barbara D. Holmes

JURY TRIAL DEMANDED

**JOINT MOTION TO ASCERTAIN STATUS OF MOTION TO DISMISS (D.E. 24) AND
TO AMEND INITIAL CASE MANAGEMENT ORDER (D.E. 33)**

Plaintiffs, Bart Adams and Josephine Adams (“Plaintiffs” or the “Adams”), and Defendant, the Vanderbilt University (“Defendant” or “Vanderbilt”), jointly move pursuant to Local Rule 7.01(c) to ascertain the status of Defendant’s Motion to Dismiss (D.E. 24) and move to amend the Initial Case Management Order to extend deadlines for expert disclosures and motions to amend or add parties (D.E. 33). In support of this motion, the Parties state as follows:

1. On April 10, 2023, Defendant, the Vanderbilt University, filed a Rule 12 Motion to Dismiss Plaintiffs’ First Amended Complaint in its entirety. (See D.E. 24).

2. Plaintiffs' First Amended Complaint sets forth multiple claims for wrongful death, claims under the ADA, claims under the Rehabilitation Act, and claims for breach of contract. (See D.E. 8).
3. Plaintiffs timely responded to Defendants' motion on May 19, 2023. (See D.E. 32).
4. On May 24, 2023, the Court entered an Initial Case Management Order setting an expert disclosure deadline of January 26, 2024, for Plaintiffs and February 29, 2024, for Defendant. (See D.E. 33, Paragraph I.)
5. The Initial Case Management Order also established a January 31, 2024, deadline for to amend the pleadings or add parties. (See. D.E. 33, Paragraph H.).
6. But, the Parties disclosure of experts in this matter is largely dependent upon the claims remaining upon resolution of Defendant's Motion to Dismiss, which will also be determinative of the extent to which Plaintiffs or Defendant may need to amend the pleadings or add parties in this matter.
7. And, the Parties ability to mediate and resolve this dispute is also largely dependent upon the disposition of Defendant's Motion to Dismiss.
8. Wherefore, the Parties jointly move to ascertain the status of Defendant's Motion to Dismiss (D.E. 24) and respectfully request an extension of the expert disclosure deadlines and deadline to amend or add parties currently set forth in the Initial Case Management Order (D.E. 33).

Dated: December 29, 2023

Respectfully submitted,

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